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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JILL FERNANDEZ,

Plaintiff,

v.

AMERICAN PRESIDENT LINES, LTD.

Defendant.

Civil Case No. C-99-5233 WDB

**COURT'S CLOSING JURY
INSTRUCTIONS**

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1 **1. DUTY OF JURY**

2 Members of the jury, now that you have heard all the evidence, it is my duty to
3 instruct you on the law that applies to this case. A copy of the case-specific instructions
4 will be available in the jury room for you to consult.

5 It is your duty to find the facts from all the evidence in the case. You will apply the
6 law as I instruct you in it to those facts. You must follow the court's instructions about
7 the law whether you agree with the law or not. You must not be influenced by any
8 personal likes or dislikes, prejudices, or sympathy. That means that you must decide the
9 case solely on the evidence before you. You will recall that you took an oath promising
10 to do so at the beginning of the case.

11 In following my instructions, you must follow all of them and not single out some
12 and ignore others; they are all equally important. You must not read into these
13 instructions – or into anything that I may have said or done – any suggestion as to what
14 verdict you should return – that is a matter entirely up to you.

15 In these closing instructions I first will remind you of some general legal principles
16 about evidence and procedural matters. Then I will give you instructions tailored to the
17 case at hand, instructions that will include descriptions of the legal elements of each claim
18 and definitions of key terms and phrases.

19
20 **2. EQUAL TREATMENT OF CORPORATIONS**
21 **AND NATURAL PERSONS**

22 As you understand, Ms. Fernandez is an individual and APL is a corporation.

23 In performing your duties as jurors the law prohibits you from discriminating
24 against a party either because that party is a corporation or because that party is an
25 individual. Corporations and individuals are entitled to the same fair treatment under the
26 law.

3. BURDEN OF PROOF

The law requires the party asserting a claim or presenting an affirmative defense to prove each fact that is essential to that party's claim or defense. In civil cases, like this one, the standard that a party usually must satisfy in order to "prove" any given fact is called "preponderance of the evidence."

To satisfy this standard, the party must persuade you, when you properly consider all the evidence that the court has admitted during the trial, that the fact is more probably true than not true.

In making this determination, you must consider all the evidence – regardless of who presented it.

Ms. Fernandez has the burden of proving by a preponderance of the evidence all of the facts necessary to establish the essential elements of her claim for retaliation. In addition, Ms. Fernandez has the burden of proving by a preponderance of the evidence all facts necessary to establish the nature and extent of the injuries she claims to have suffered, and the amount of money damages needed to compensate her for those injuries.

4. WHAT IS EVIDENCE

The evidence from which you are to decide what the facts are consists of:

1. the sworn testimony of witnesses, on both direct and cross-examination, regardless of who called the witness;
2. the exhibits that were received into evidence;
3. facts on which all the parties agreed (that is, facts to which all parties stipulated); and
4. other facts, if any, that I ordered you to accept as established.

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5. WHAT IS NOT EVIDENCE

The following things are not evidence, and you must not consider them as evidence in deciding what the facts are in this case:

- 1. statements or arguments by the attorneys;
- 2. questions or objections by the attorneys;
- 3. testimony that I instructed you to disregard;
- 4. anything you saw or heard when the court was not in session, even if what you saw or heard was done or said by one of the parties or by one of the witnesses.

6. EVIDENCE FOR LIMITED PURPOSE

Some evidence may have been admitted for a limited purpose only. If I instructed you that an item of evidence has been admitted for a limited purpose, you must consider it only for that limited purpose and for no other purpose.

7. DIRECT AND CIRCUMSTANTIAL EVIDENCE

Evidence may be direct or circumstantial.

Direct evidence sheds light directly on whether a disputed fact is true or not true. For example, testimony by a witness about what that witness actually saw or did could be direct evidence.

Circumstantial evidence is proof of one or more facts from which you could find another fact.

You should consider both kinds of evidence. The law makes no distinction between the weight to be given to either direct or circumstantial evidence. It is for you to decide how much weight to give any evidence.

8. CREDIBILITY OF WITNESSES

In deciding the facts in this case, you may have to decide which testimony to believe and which testimony not to believe. You may believe everything a witness said, or part of it, or none of it.

In considering the testimony of any witness, you may take into account:

1. the opportunity and ability the witness had to see or hear or know the things about which the witness testified;
2. the quality and clarity of the witness' memory;
3. the witness' manner while testifying;
4. the witness' interest, if any, in the outcome of the case, and any bias or prejudice the witness might have;
5. whether other evidence contradicted the witness' testimony;
6. the reasonableness of the witness' testimony in light of all the evidence; and
7. any other factors that bear on believability.

The weight of the evidence as to a fact does not necessarily depend on the number of witnesses who testified to that fact.

9. DEPOSITIONS

When a person is unavailable to testify at trial, the "deposition" of that person may be used at the trial. A deposition is the sworn testimony of a witness taken before trial. Just like witnesses who testify in person during the trial, the witness at a deposition is placed under oath to tell the truth, and lawyers for each party may ask questions. The questions and answers are recorded.

Deposition testimony is entitled to the same consideration and is to be judged, insofar as possible, in the same way as if the witness had been present to testify.

If deposition testimony was read to you, you must not place any significance on the behavior or tone of voice of any person reading the questions or answers.

10. RULINGS ON OBJECTIONS

There are rules of evidence which control what can be received into evidence. When a lawyer asked a question or offered an exhibit into evidence, and a lawyer on the other side thought that what was being asked or offered was not admissible under the rules of evidence, that lawyer objected.

If I overruled the objection, the question was answered or the exhibit received.

If I sustained the objection, the question could not be answered, and the exhibit could not be received. Whenever I sustained an objection to a question, you must ignore the question and must not guess what the answer might have been.

If I ordered that some evidence be stricken from the record and that you disregard or ignore the evidence. That means that when you are deciding the case, you must not consider the evidence which I told you to disregard.

11. USE OF NOTES

You may use notes taken during trial to assist your memory. Notes, however, should not be substituted for your memory.

12. SPECIAL INTERROGATORIES

Before turning to instructions tailored to the specifics of the case at hand, I want to tell you a bit more about the set of questions, called “Special Interrogatories,” that will serve as your guides during your deliberations. I have structured these questions carefully to make sure that you address the issues exactly as the law defines them and that you do so in the appropriate order. You must follow the instructions that accompany these Special Interrogatories carefully. You must address the Interrogatories in the order presented. By following the instructions and answering the Interrogatories as posed, you will cover all the issues that the law requires you to cover in this case and you will avoid confusion.

1 You will note, by the way, that in some instances a certain answer to a particular
2 question on which you are working will mean that you will skip one or more of the
3 immediately following questions. The instructions will tell you when this is the case, and
4 will tell you which question to address next.

5 I also should emphasize here that each question requires an unanimous answer. All
6 jurors must agree about what the answer is to each question before you can answer that
7 question.

8 9 **13. FINAL INTRODUCTORY INSTRUCTION**

10 I will now begin to give you more detailed instructions that set forth the standards
11 you must apply to the parties' conduct to determine whether the law has been violated.

12 You should listen to my instructions carefully as I read them. Bear in mind,
13 however, that copies of the case-specific instructions will be available in the jury room for
14 you to refer to during your deliberations. In addition, the special interrogatories will focus
15 your deliberations on the matters you need to decide and will assure that you address only
16 the necessary issues and in the appropriate order.

14. OVERVIEW OF LEGAL FRAMEWORK

The purpose of this instruction is to give you an understanding of the broad outlines of the legal framework in which you will be addressing specific issues. The instructions that follow this one will include detailed discussions of key elements of this outline and specific legal definitions of important terms.

The law that applies to this case places the initial requirements on the plaintiff, Ms. Fernandez. She will be deemed to have failed in her claim unless she proves each of the following three things: (1) that she was engaged in protected activity, (2) that she was subjected to “adverse employment action,” and (3) that there was a “causal link” between the protected activity and the adverse employment action. In a case like this, the criteria the law uses to define “adverse employment action” depend on whether the conduct the plaintiff complains about was by a “supervisor” of hers or an APL manager, on the one hand, or, on the other, by persons deemed to be only her “co-workers.”

If Ms. Fernandez proves all three elements set forth in the preceding paragraph, the law requires APL to present evidence that the motive for the “adverse employment action” was something other than retaliation. If APL presents some evidence that that action was motivated by something other than retaliation, the law requires Ms. Fernandez to prove that the motive that APL has proffered is a pretext and that the real motive for the conduct was retaliation.

If Ms. Fernandez succeeds in proving that the real motive for the adverse conduct was retaliation, APL will be liable for the retaliation if the conduct that constitutes the adverse employment action (retaliatory conduct) was committed by her supervisor and/or an APL manager.

If, on the other hand, the retaliatory conduct was by co-workers instead of by her supervisor or an APL manager, the law requires Ms. Fernandez also to prove that APL knew or should have known about that conduct. If Ms. Fernandez makes that proof, then APL will be liable for the retaliatory conduct of the co-workers unless APL proves that it promptly caused remedial measures to be taken that were reasonably likely to stop the retaliatory conduct and to persuade others to refrain from engaging in retaliatory conduct.

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2 **15. THE EEOC REASONABLE CAUSE LETTER**

3 As directed by applicable law, the court admitted into evidence in this case a letter
4 that was signed by Susan L. McDuffie and dated September 30, 1998. Ms. McDuffie was
5 at that time the District Director for our district of the United States' Equal Employment
6 Opportunity Commission.

7 In this letter, Ms. McDuffie reports to Ms. Fernandez and to APL that she has
8 determined that "there is reasonable cause to believe" that Ms. Fernandez "was retaliated
9 against for filing a protected complaint"

10 It is important that you understand that what this letter reports is a finding of
11 "reasonable cause," not a finding of liability. In other words, this letter does not purport
12 to be a final determination, even by the local EEOC office, that Ms. Fernandez's rights
13 were violated.

14 The letter does not describe the evidentiary or legal bases on which Ms. McDuffie
15 decided there was "reasonable cause." The parties, through their lawyers, may present
16 evidence and argument during the trial about the probative value of her "reasonable cause"
17 determination.

18 It also is important that you understand that it is your responsibility, as the jury in
19 this case, to reach your own, independent conclusions about what the facts are and about
20 whether APL is liable. You are the sole judges of the facts -- and you may not substitute
21 anyone else's views of what the facts appear to be for your own findings of what the facts
22 are. It is your prerogative and responsibility to decide how much weight to give to this
23 letter in your deliberations --- and it is your responsibility to determine what the facts are
24 only after you take into appropriate account all the evidence that I admitted over the
25 course of this trial.

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1 **16. CRITERIA FOR DETERMINING WHETHER MR. DEFANTI**
2 **SHOULD BE DEEMED PLAINTIFF’S “SUPERVISOR”**

3
4 One of the issues that the parties dispute in this case is whether or not Mr. Defanti
5 should be deemed Ms. Fernandez’s “supervisor” as that term is used in the context of a
6 claim under Title VII that an employer retaliated against the claimant for engaging in
7 protected activities.

8 While Ms. Fernandez might be entitled to relief even if she fails to prove that Mr.
9 Defanti should be deemed her “supervisor,” this is an issue of some consequence
10 because if you conclude that Mr. Defanti was not Ms. Fernandez’s supervisor, but was
11 merely a co-worker, she will be required by the law to make additional showings and APL
12 will be permitted to mount additional defenses.

13 In a setting like this case presents, in determining whether a person should be
14 deemed another person’s “supervisor” you should consider the totality of the
15 circumstances. The resolution of this issue does not turn on the label or title of the
16 position in question; rather, the essence of your task is to assess the extent and character
17 of Mr. Defanti’s authority or control over important aspects of the plaintiff’s employment.
18 There is no one kind of power or attribute of station that always must be present for a
19 person to be deemed another person’s “supervisor.”

20 There are certain situations, however, in which the law would require a finding that
21 Mr. Defanti was Ms. Fernandez’s supervisor. For example, if Ms. Fernandez proved
22 that Mr. Defanti had the power to hire her to work at APL, or the power to fire her, or the
23 power to demote or promote her, she would have proved that he was her “supervisor”
24 for purposes of this case. Similarly, if she proved that he had the power to impose
25 significant disciplinary measures on her, or to change significantly (for better or worse)
26 the character of her work, the conditions under which she worked, the benefits to which
27 she was entitled, or the rate or amount of compensation she would receive, she will have
28 proved that he was her “supervisor.”

1 With respect to the kinds of matters described in the preceding paragraph, it is not
2 necessary for plaintiff to prove that Mr. Defanti's power was formal and direct; it would
3 be sufficient if she proved that his power was real and substantial, even if exercised
4 informally and indirectly. Similarly, it is not necessary for plaintiff to prove that Mr.
5 Defanti exercised all of APL's power in such matters; it would be sufficient if she proved
6 that his position enabled him to exercise substantial influence over important terms or
7 conditions of Ms. Fernandez's employment at APL (e.g., by making recommendations
8 to which the employer would ascribe substantial weight when it made these kinds of
9 decisions).

17. PROTECTED ACTIVITY

The first element (in analytical sequence) that Ms. Fernandez must prove by a preponderance of the evidence is that she engaged in protected activity.

To establish this element, Ms. Fernandez must prove that she opposed conduct that she believed violated federal civil rights laws and that it was reasonable for her to so believe. It is not necessary that Ms. Fernandez prove that the conduct about which she complained was in fact a violation of civil rights laws. The law does not require that Ms. Fernandez have a lawyer's or a judge's level of understanding of the reach of civil rights legislation.

Ms. Fernandez claims that she engaged in two different kinds of protected activities.

The first such activity consisted of protesting the way she was treated by Albert McCarthy in July of 1997 at the Metropolitan Stevedore Company's shipping terminal. She contends that she protested (to officials at Metropolitan Stevedore) Mr. McCarthy's conduct right after it occurred and that she continued in that protest by, among other things, declining to take steps to try to stop the disciplinary proceedings against Mr. McCarthy. Ms. Fernandez's protest of Mr. McCarthy's conduct is protected activity if she shows that she had a reasonable, good faith belief that Mr. McCarthy's conduct violated her civil rights.

The second activity that Ms. Fernandez claims is protected occurred after Mr. Defanti allegedly began pressuring her to take steps to stop the disciplinary proceedings against Mr. McCarthy. Ms. Fernandez claims that she opposed that pressure. Opposing such pressure would constitute 'protected activity' if Ms. Fernandez proves that she had a reasonable, good faith belief that the civil rights laws protected her from being pressured to take steps to try to stop the proceedings against Mr. McCarthy.

18. ADVERSE EMPLOYMENT ACTION

When you undertake the task of determining whether plaintiff has proved that she suffered adverse employment action at APL you first must decide what conduct she has proved occurred there. She has the burden of proving what the conduct was that she alleges constituted the “adverse employment action.” When you have decided what conduct occurred you will be ready to address the legal questions discussed in this instruction.

In a case like this, the criteria the law uses to define “adverse employment action” depend on whether the conduct the plaintiff complains about was by (1) a “supervisor” of hers or an APL manager, or (2) by person or persons deemed to be only her “co-worker.”

We first will discuss conduct by a “supervisor” of plaintiff’s or an APL manager. Adverse treatment by an employee’s supervisor or by an APL manager is deemed by the law to constitute “adverse employment action” if that adverse treatment is “reasonably likely to deter employees from engaging in protected activity.”

When deciding whether plaintiff has proved that conduct was “reasonably likely to deter employees from engaging in protected activity” your task is not to determine what effects the conduct actually had on Ms. Fernandez, but, instead, to assess whether the proved conduct, in the kind of circumstances Ms. Fernandez found herself, would be reasonably likely to deter employees from engaging in protected activity. Similarly, when addressing this particular element of her case, you are not trying to determine what effect the people who engaged in the conduct intended or wanted it to have; rather, as I said, you are to determine whether, as a general and objective proposition, the conduct that she proved occurred would be likely to have the effect of deterring reasonable employees from engaging in protected activity.

We shift our focus here to conduct by co-workers (not by supervisors or managers). If the adverse treatment was by co-workers it can constitute “adverse employment action” in a case like this only if Ms. Fernandez proves that the conduct was

1 sufficiently severe or pervasive to alter the conditions of her employment and create an
2 abusive (offensive) working environment.

3 Moreover, to meet this standard Ms. Fernandez must prove both (1) that she in
4 fact, subjectively, felt that the conduct had altered the conditions of her employment at
5 APL and had made that environment offensive and (2) that other employees, if they were
6 in the same kind of situation, reasonably would feel that the conduct had altered the
7 conditions of their employment and made their work environment hostile.

8 To determine whether a given work environment has become sufficiently hostile to
9 meet this standard you should consider all of the circumstances. You should consider
10 the frequency of the adverse treatment or abusive conduct, its severity, whether it was
11 physically threatening or humiliating, or a mere offensive utterance, whether it
12 unreasonably interfered with Ms. Fernandez's work performance, as well as any other
13 circumstances that you deem relevant to this issue.

14 If plaintiff proves that she was "constructively discharged" by APL (in
15 conformance with our explanation of that legal concept elsewhere in these instructions)
16 she thereby proves that she was subjected to "adverse employment action" as that phrase
17 is used here.

18 However, the law does not require Ms. Fernandez to prove that she was
19 "constructively discharged" in order to prove that she suffered "adverse employment
20 action" as that phrase is used in this setting. This follows for two reasons. First, if the
21 adverse treatment on which you base your finding was committed by her supervisor or
22 an APL manager, that adverse treatment need not rise to the level of creating a hostile
23 work environment to satisfy the "adverse employment action" component of the test.
24 Second, the requirements for proving constructive discharge are more demanding than
25 the requirements for proving a hostile work environment -- so it is possible for a plaintiff
26 to establish that the adverse treatment she experienced was sufficiently severe to alter the
27 conditions of her employment and create a hostile working environment but still fail to
28 prove that she was constructively discharged.

19. CAUSAL LINK

If Ms. Fernandez proves that she was engaged in “protected activity” and that she suffered “adverse employment action,” as we have defined those concepts in these instructions, she also will be required to show that “a causal link exists between the protected activity and the adverse action.”

In considering this requirement it is important to bear in mind that there is a difference between (1) showing that there is such a “causal link” and (2) proving that retaliation actually motivated the adverse conduct. Under the law, less is required of a party to show a “causal link” than to prove actual retaliatory motive.

As we informed you in the instruction that set forth an “Overview of the Legal Framework” in this case, the law requires plaintiff to make the showing of “causal link” before the law requires the defendant to come forward with some evidence that the adverse conduct was motivated by something other than retaliation. If plaintiff shows that the causal link exists and defendant comes forward with some evidence of non-retaliatory motive, then the law requires the plaintiff to prove that the proffered motive is a pretext and that the real motive was retaliation.

At the stage in the analysis on which we focus here, however, the law does not require proof of actual motive, but only a showing of a causal link between the protected activity and the adverse employment action.

Circumstantial evidence may be sufficient to support an inference that the causal link exists.

A showing by a plaintiff that the adverse employment action occurred shortly after she engaged in protected activity would weigh heavily in favor of a finding that the causal link exists.

20. CONSTRUCTIVE DISCHARGE

One of plaintiff's contentions is that she was "constructively discharged" by APL. As the court's Special Interrogatories will make clear, it could be possible for plaintiff to establish that APL is liable for retaliation even if plaintiff fails to establish that she was constructively discharged. Nonetheless, the law permits plaintiff to try to prove the constructive discharge contention.

In this case, to determine whether Ms. Fernandez was constructively discharged you first must determine whether, taking into account the totality of the circumstances, she has proved that

- (1) a reasonable person in her position
- (2) would have felt that she was forced to quit
- (3) because of adverse employment conditions that were motivated by retaliation and that were sufficiently severe for a reasonable person to find intolerable.

Another way to articulate this same standard is this: For her contention of constructive discharge to be viable, Ms. Fernandez must prove that, as a result of conduct or treatment motivated by retaliation, her working conditions had deteriorated to the point where they had become sufficiently extraordinary and egregious to overcome the normal motivation of a competent, diligent, and reasonable employee to remain on the job to earn a livelihood and to serve her employer.

For the constructive discharge contention to be viable it is not necessary that Ms. Fernandez prove that APL subjectively intended to force her to resign.

If you find that Ms. Fernandez has satisfied the standard set forth above, and if you find that she proved that the acts that made the work environment intolerable were committed by a supervisor or manager, she will have proved that she was "constructively discharged."

On the other hand, if you conclude that the acts that made her work environment intolerable were not committed by a supervisor or manager, but by co-workers, then Ms. Fernandez must prove that APL knew or should have known about the intolerable

1 conduct. If she fails to make that proof, she will fail to prove constructive discharge by
2 APL.

3 In contrast, if Ms. Fernandez succeeds in proving that APL knew or should have
4 known about intolerable conduct by co-workers, she will have proved that she was
5 constructively discharged unless APL, in turn, proves that it took prompt and appropriate
6 action that was reasonably likely (1) to eliminate the intolerable conditions and (2) to
7 persuade others to refrain from engaging in the kind of conduct that made the work
8 environment intolerable. If APL fails to prove that it took such action, it will be deemed
9 to have constructively discharged Ms. Fernandez.

10 11 12 **21. CAUSATION -- DAMAGES**

13 If you find that Ms. Fernandez proved that APL retaliated against her for engaging
14 in protected activity, you will then determine whether she has proved that the retaliatory
15 conduct caused her to suffer damages. A plaintiff is entitled to compensatory damages
16 only for harms that she proves were “caused” by wrongful conduct by the defendant.

17 Ms. Fernandez has the burden of proving such “causation” – which she must
18 prove by a preponderance of the evidence. Under the law, wrongful conduct that was
19 a substantial factor in bringing about compensable harms is deemed to have caused those
20 harms.

21 In this trial, the kind of compensable harm that Ms. Fernandez alleges was caused
22 by retaliation by APL consists of “emotional distress” -- a kind of harm we define in the
23 next instruction.

22. COMPENSATORY DAMAGES FOR EMOTIONAL DISTRESS

The term “emotional distress” embraces mental distress, mental suffering or mental anguish. It includes all unpleasant mental or emotional reactions, such as fright, nervousness, grief, anxiety, worry, mortification, shock, humiliation and indignity, as well as physical pain.

You may award reasonable compensation for emotional distress if you find that Ms. Fernandez proved that such distress either was caused in the past, or is reasonably certain to be caused in the future, by retaliatory conduct by APL.

No exact standard exists for fixing the compensation to be awarded for this type of damages. Nor is the opinion of any witness required about the amount of compensation that would be reasonable for this kind of damages. It is usually impossible to present direct evidence of the monetary value of such intangibles as emotional distress or mental pain and suffering. But that fact is not a bar to recovery by Ms. Fernandez for these kinds of harms. It is your responsibility, as the jury, to determine what amount of monetary damages constitutes fair compensation for these kinds of harms -- and then to award that amount, no more and no less. You may not include any amounts for the purpose of punishing APL or setting an example.

In considering Ms. Fernandez’ claim for this type of damages, you should take into account the nature, seriousness, extent, and duration of any emotional distress that Ms. Fernandez proved she experienced as a result of APL’s retaliatory conduct. Any award you make may include compensation for future damages if you find that the proofs presented support a conclusion that Ms. Fernandez’s emotional stress can reasonably be expected to continue in the future. You may not award Ms. Fernandez speculative damages, which means compensation for future loss or harm which, while possible, is not reasonably certain to occur.

23. NOMINAL DAMAGES

The law that applies to this case authorizes an award of nominal damages. If you find for the plaintiff but you find that the plaintiff has failed to prove that retaliatory conduct by APL caused her compensable “emotional distress” (as defined in these instructions), you must award nominal damages. Nominal damages may not exceed one dollar.

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24. TRANSITIONAL INSTRUCTION

I have now completed giving you specific instructions about the law applicable to this case. At this juncture I will give you some concluding instructions about the procedures you should follow in connection with your deliberations.

25. COMMUNICATION WITH THE COURT

If it becomes necessary to communicate with me during deliberations, you may send a note in one of the envelopes we provide through the courtroom deputy or the law clerk, signed by a juror. Do not disclose the content of your note to the courtroom deputy or the law clerk.

Do not communicate with me about the case except by a signed note. I will only communicate with you regarding the case in writing or in open court.

Do not disclose any vote count in any note to me or in open court.

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26. DUTY TO DELIBERATE

When you retire, you should elect one member of the jury as your foreperson. That person will preside over the deliberations and speak for you here in court.

You will then discuss the case with your fellow jurors to reach agreement if you can. Your verdict must be unanimous.

Each of you must decide the issues for yourself, but you should do so only after you have considered all the evidence, discussed it fully, and listened to the views of your fellow jurors.

Do not be afraid to change your opinion if the discussion persuades you that you should, but do not come to a decision simply because other jurors think it is right.

It is important that you attempt to reach a unanimous verdict but, of course, only if each of you can do so after having made your own conscientious decision, after having considered all the evidence and the views of your fellow jurors. Do not change an honest and firmly held belief about the weight and effect of the evidence simply to reach a verdict.

27. RETURN OF VERDICT

After you have reached unanimous agreement on a verdict, your foreperson will fill in, date, and sign the verdict form and advise the court that you have reached a verdict.